

LOUIS BARNEY.

MARCH 5, 1840.

Read, and laid upon the table.

Mr. STRONG, from the Committee on Invalid Pensions, submitted the following

REPORT:

*The Committee on Invalid Pensions, to whom was referred the petition of Louis Barney, beg leave to report :*

That, from the petition and accompanying papers in this case, it appears that, in the spring or summer of 1814, the petitioner was elected lieutenant of one of the artillery companies of the Maryland militia, of which one James Piper was captain; that, in September, 1814, he joined another artillery company of the Maryland militia, of which Richard B. Magruder was captain, which last mentioned company was then in the service of the United States; that, during the bombardment of Fort McHenry, and pending the advance of the enemy from North Point towards the line of defences in the neighborhood of Baltimore city, being about the 14th day of September, 1814, while the petitioner was in the act of turning the match which he held in the air for the purpose of keeping the fire alive, his arm was dislocated; that the said Captain Magruder, and others of the corps, aided in putting the arm back in its socket; that the petitioner was then advised and permitted to retire, and was unable to do duty during the rest of the campaign, which ended in November following; that since that period the petitioner has resided in the city of Baltimore, and has been carrying on the biscuit-making business. He prays that a pension may be granted to him for a total disability as lieutenant, or such pension as his case may be thought to deserve.

There is no proof under oath that the petitioner ever acted as lieutenant, or that the company in which he was elected as such were called into service; nor does it appear, in any way, that he was commissioned as lieutenant.

Among the papers in the case is the certificate of Nathan R. Smith, in which he states that he has been the physician of the petitioner for many years, and has "often had occasion to prescribe for his disability and pain arising from the morbid state of his nervous system;" that he is "confident that the disease originated from a dislocation of the shoulder-joint many years since, by which an injury was inflicted on the nerves of the arm, and from thence gradually imparted its paralyzing influence to the whole system;" and that the petitioner "labors under an infirmity from this cause, which totally disables him from any occupation in which the least physical exertion is required, or which creates excitement or anxiety of mind."

It is stated, also, in the affidavit of S. J. Thompson, forming part of the papers in the case, that he saw the petitioner disabled, by the dislocation of his arm, and "that the disability has continued, and still continues to increase, by a nervous trembling of his whole system, which incapacitates him from all kinds of business."

After a careful consideration of the whole case, the committee are of the opinion that they cannot, with propriety, recommend the granting of a pension to the petitioner. Looking at the act in which he was engaged at the time his arm was dislocated, and no special attending circumstances being stated, they think they should have stronger evidence than is furnished to justify them in coming to the conclusion that the disability under which he now labors was occasioned by that dislocation.

The committee recommend for adoption the following resolution :

*Resolved*, That the prayer of the petitioner ought not to be granted.